

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**KRISTEN BEHRENS, as Administratix
of the ESTATE OF GLORIA
TREVISAN, et al.**

Plaintiffs

v.

ARCONIC, INC., et al.

Defendants.

No. 2:19-cv-2664-MMB

**REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE IN THE
AUTHORIZATION OF A COMMISSIONER PURSUANT TO CHAPTER II OF THE
HAGUE CONVENTION OF 18 MARCH 1970 ON THE TAKING OF EVIDENCE
ABROAD IN CIVIL OR COMMERCIAL MATTERS**

A request is hereby made by the United States District Court for the Eastern District of Pennsylvania, located at 601 Market Street, Philadelphia, Pennsylvania 19106, United States of America, to the Ministère de la Justice, Direction des Affaires Civiles et du Sceau, Bureau de l'entraide civile et commerciale internationale (D3), 13, Place Vendôme, 75042 Paris Cedex 01, FRANCE, for assisting in obtaining pre-trial document discovery from Arconic Architectural Products SAS (“AAP SAS”), a French indirect subsidiary of defendants Arconic, Inc. and Arconic AAP, LLC (“Arconic”), in the above-captioned action. This request is made pursuant to Chapter II of the Hague Convention of 18 March 1970 on the Taking of Evidence in Civil or Commercial Matters (the “Hague Convention”).

1. Sender:

The Honorable Michael M. Bayson
United States District Judge
United States District Court for the Eastern District of Pennsylvania

601 Market Street
Philadelphia, Pennsylvania 19106
UNITED STATES OF AMERICA

2. Central Authority of the Requested State:

Ministère de la Justice
Direction des Affaires Civiles et du Sceau
Bureau de l'entraide civile et commerciale internationale (D3)
13, Place Vendôme
75042 Paris Cedex 01
FRANCE

3. Persons to whom the executed request is to be returned:

Jeffrey P. Goodman
Saltz, Mongeluzzi & Bendesky, P.C.
1650 Market Street, 52nd Floor
Philadelphia, Pennsylvania 19103
UNITED STATES OF AMERICA

And

Sean C. Grimsley
BARTLIT BECK LLP
1801 Wewatta Street, Suite 1200
Denver, Colorado 80202
UNITED STATES OF AMERICA

Plaintiffs also designate the appointed Commissioner, Ms. Noëlle Lenoir, to accept service of the Hague Convention authorization and notifications from the French governmental authorities related to the Hague Convention proceedings on Plaintiffs' behalf. The Commissioner shall transmit such authorization and notifications to counsel for Plaintiffs simultaneously.

In conformity with Chapter II, Article 17 of the Hague Convention, the United States District Court for the Eastern District of Pennsylvania presents its compliments to the Ministère de la Justice and has the honor to submit the following request:

4. Specification of the date by which the requesting authority requires receipt of the response to the Request for International Judicial Assistance (“Request”):

The requesting authority would greatly appreciate a response to the Request within 30 days or as soon thereafter as is practicable.

5. Requesting judicial authority:

The Honorable Michael M. Baylson
United States District Judge
United States District Court for the Eastern District of Pennsylvania
601 Market Street
Philadelphia, Pennsylvania 19106
UNITED STATES OF AMERICA

6. To the competent authority of:

The Republic of France

7. Name of the case and identifying number:

*Kristen Behrens, as Administratrix of the Estate of Gloria Trevisan, et al. v.
Arconic, Inc., et al., No. 2:19-cv-02664-MMB*

8. Name of Plaintiff

Kristen Behrens, as Administratrix of the Estate of Gloria Trevisan, et al.

9. Name and address of Plaintiffs' Representatives:

Jeffrey P. Goodman
Saltz, Mongeluzzi & Bendesky, P.C.
1650 Market Street, 52nd Floor
Philadelphia, Pennsylvania 19103
UNITED STATES OF AMERICA

10. Name of relevant Defendants:

Arconic, Inc.
201 Isabella Street, Suite 200
Pittsburgh, Pennsylvania 15212
UNITED STATES OF AMERICA

And

Arconic Architectural Products, LLC
50 Industrial Boulevard
Eastman, Georgia 31023
UNITED STATES OF AMERICA

11. Name and address of relevant Defendants' Representatives:

Sean C. Grimsley
BARTLIT BECK LLP
1801 Wewatta Street, Suite 1200
Denver, Colorado 80202
UNITED STATES OF AMERICA

12. Nature and purpose of the proceedings and summary of the facts:

Plaintiffs commenced this action on June 6, 2019, naming as defendants Arconic, Inc., Arconic Architectural Products, LLC, (the “Arconic Defendants”) and other defendants. Plaintiffs are the Estates of 69 individuals who died as a result of the June 14, 2017 Grenfell Tower fire in London. Plaintiffs are also 177 survivors of the fire who sustained personal injuries.

Plaintiffs allege, among other things, the fire was spread by the defective exterior cladding affixed to the Tower and designed, manufactured, and sold by the Arconic Defendants. The Complaint asserts claims against the Arconic Defendants for strict products liability, wrongful death damages, and survival damages. Defendants have claimed that any action on behalf of any Arconic entity related to this tragedy was carried out by Arconic Inc.’s French subsidiary, AAP SAS.

The District Court has ordered Arconic to produce certain documents “located in the United States” and relevant to Defendants’ pending Motion to Dismiss for *Forum Non Conveniens*.

The Arconic Defendants have claimed that certain documents, located in the United States, are protected by the French Blocking Statute because they originated from AAP SAS. The District Court determined that Plaintiffs must utilize the Hague Convention to obtain the requested documents.

The District Court therefore requests that AAP SAS now produce those documents through the Commissioner, Ms. Lenoir, upon obtaining authorization from the French Ministère de la Justice.

13. Evidence to be obtained:

The evidence to be obtained consists of certain documents and electronically-stored information in the possession of AAP SAS now located in the United States and relevant to Defendants’ pending Motion to Dismiss for *Forum Non Conveniens*.

This discovery includes documents and/or electronic communications (“ESI”) that relate to decisions and actions made by Arconic parties in the United States concerning Reynobond PE, the product that was used in the cladding for the Grenfell Tower apartment building in England.

The *Forum Non Conveniens* discovery is limited to communications that were either made in the United States by individuals employed by or associated with Arconic parties in the United States concerning oversight they exercised over AAP SAS or were between Arconic personnel in the United States and AAP SAS.

This discovery includes communications in which Arconic parties provided direction from the United States to AAP SAS on the design, manufacture, marketing, advertising, selling, and installation of Reynobond PE.

It does not include documents that are relevant only to merits issues, such as allegations of Arconic's liability (e.g., defects in the design or manufacturing of Reynobond PE).

AAP SAS will provide to the Commissioner the documents and information for transmission by the Commissioner to the Court.

The relevant date period is from January 1, 2012 to June 6, 2019.

Other documents or communications may be added by further order of this United States District Court.

14. Documents or other property to be inspected:

The District Court requests that the Commissioner inspect documents and electronically-stored information in the possession of AAP SAS, located in the United States, and produced by AAP SAS for the UK Public Inquiry.

15. Whether the Plaintiffs and relevant Defendants have consented to document discovery:

The parties have consented to document and electronically-stored information discovery in the possession of AAP SAS, located in the United States, and produced by AAP SAS for the UK Public Inquiry.

16. Special methods or procedure to be followed:

All documents and electronically-stored information will be produced in the manner in which maintained in the ordinary course of business.

17. Specifications of privilege or duty to refuse to produce documents under the law of the State of origin:

Neither this Request, nor the transmission of documents to the Commissioner, nor any examination of documents by the Commissioner, shall constitute or operate as a waiver of any argument, position, objection, allegation, claim, or defense, of any party in the above-captioned action, or of the attorney-client privilege, the work-

product doctrine, or any other privileges, rights, protections, or prohibitions that may apply to that evidence under the laws of France, the United States, or any State within the United States.

18. Authority appointing Commissioner, pending approval of the Ministère de la Justice:

The Honorable Michael M. Baylson
United States District Judge
United States District Court for the Eastern District of Pennsylvania
601 Market Street
Philadelphia, Pennsylvania 19106
UNITED STATES OF AMERICA

19. Commissioner:

Ms. Noëlle Lenoir
Kramer Levin Naftalis & Frankel LLP
47 Avenue Hoche
75008 Paris, France

Attached hereto is the Order of the United States District Court for the Eastern District of Pennsylvania, appointing Ms. Lenoir as Commissioner, pending approval by the Ministère de la Justice.

20. The costs of the Hague Convention proceedings, including, without limitation, the fees of the Commissioner, translation fees or costs, and for the transmission of products will be borne by:

All costs of the Hague Convention proceeding, including without limitation the fees of the Commissioner, translation fees and costs, and any transmittal costs associated with the production of documents and electronically-stored information by or from Arconic, will be borne by Plaintiffs, provided that each party will be responsible for the fees and expenses, if any, of its own attorneys relating to any Hague Convention proceedings.

This Court expresses its appreciation to the Ministère de la Justice for its courtesy and assistance in this matter.

Dated: March 20, 2020

/s/ Michael M. Baylson
Michael M. Baylson
United States District Court Judge